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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4044 of 2006

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Md.Mustaquim s/o Md. Zahir resident of village Kotwali Chowk, Ward no.24, P.S. and District- Madhubani.

.... Petitioner/s

Versus

1.The State Of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna-1 .
2. District Magistrate, Madhubani, District- Madhubani.
3.Deputy Development Commissioner, District- Madhubani.
4.Additional District Magistrate, District Madhubani.
5.Sub-divisional Officer, Jaynagar, District- Madhubani.
6.Sub-divisional Officer, S.D.O., Jhanjharpur, District- Madhubani.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Mukul Prasad and Mr. M.Z.Quamar
For the Respondent/s : Mrs. Abhanjalli, A.C. to G.P. 16

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL ORDER

3 29-06-2012 The petitioner's grievance is that the respondent- State has taken work , as a driver, from the petitioner for a long period. He was empanelled for regular appointment and regularization in the year 1993 but when the panel was made in the year 2000 at the district level, his name was left out though at that time he was working on daily wages in government department. The writ petition has been filed in the year 2006. A counter affidavit is said to have been filed but is not on record.

The Stand of the learned counsel for the State is that though the petitioner was empanelled, some of appointments were made, the panel lapsed and as such the petitioner has no right to be regularized.

Having considered the matter, in my view, if the petitioner has been continuously working or even working for a long time on daily wages , it should be the responsibility of the District Magistrate-cum- Collector, Madhubani, to look unto this aspect of the matter and opportunity of appointment being there, considering his past service,he should be given preference in appointment.

It is strange that even though there are vacancies and the petitioner has been working on daily wages for almost twenty years, he has been left out in the recruitment process whereas some others have been taken in service.

Be that as it may, all this Court can order the Collector-cum- District Magistrate keep in mind what has been stated by this Court in this order and in future vacancies are advertised and in which the petitioner applied, the case of the petitioner would be considered, considering his experience specially in view of the fact that he has been working in the government office as a drivers for almost twenty years.

With the aforesaid observations and directions, the writ petition stands disposed of.

(Navaniti Prasad Singh, J)

singh/-

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